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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 LOUIS CAMEJO RODRIGUEZ,

9 Plaintiff,

10 vs.

11 UNITED STATES BUREAU OF
12 ALCOHOL, TOBACCO AND
13 FIREARMS, et al.,

14 Defendants.

NO. CV-05-160-EFS

ORDER DENYING REQUEST TO PROCEED
IN FORMA PAUPERIS, DISMISSING
COMPLAINT WITHOUT PREJUDICE AND
DENYING PENDING MOTIONS AS MOOT

15 By Order filed July 25, 2005 (Ct. Rec. 48), the Court reserved
16 ruling on Mr. Rodriguez's request to proceed *in forma pauperis* and
17 directed him to file an amended complaint within sixty (60) days,
18 stating his claims regarding the conditions of his confinement at the
19 Airway Heights Correction.¹ This Court cannot proceed with an action
20 under 42 U.S.C. § 1983, unless the Plaintiff presents a complaint
21 identifying Defendants in the Eastern District of Washington and

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'This action was transferred from the Southern District of Florida, after that court dismissed Mr. Rodriguez's habeas claims regarding his federal conviction and sentence in Florida. See Ct. Rec. 15, entered March 31, 2005, cause number 05-CV-20307-KING.

1 stating how they violated his constitutionally protected rights.

2 Plaintiff has not presented an amended complaint as directed.

3 Rather than comply with the court's directive, Plaintiff
 4 presented several motions for injunctive relief as well as copies of
 5 ex parte documents he has sent to other courts.² The Court cannot
 6 consider motions in the absence of a legally sufficient complaint.
 7 See generally FED. R. CIV. P. 3 and the notes following the rule.

8 Plaintiff was cautioned that failure to file an amended complaint
 9 would result in dismissal of this action. Plaintiff has presented no
 10 facts demonstrating named Defendants located in the Eastern District
 11 of Washington violated his constitutional rights. He fails to present
 12 a short and plain statement as required by Fed. R. Civ. P. 8(a)(2).
 13 Therefore, the Court cannot proceed with a cause of action under 42
 14 U.S.C. § 1983 at this time.

15 Accordingly, **IT IS ORDERED** Plaintiff's request to proceed *in*
 16 *forma pauperis* under 28 U.S.C. § 1915 is **DENIED** and the complaint is
 17 **DISMISSED without prejudice** to Plaintiff filing a new and separate
 18 action. **IT IS FURTHER ORDERED** all pending motions in this action are
 19 **DENIED as moot.**

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21 On September 30, 2005, the Court received letters from Plaintiff
 22 containing grievances and other documents in excess of 143 pages. On
 23 October 3 and 5, 2005, the Court received additional packets of
 24 documents consisting of 25 pages and 17 pages respectively. None of
 25 these documents complies with the directive to file an amended
 26 complaint.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Plaintiff, and close the file.

4 **DATED** this 18th day of October 2005.

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6 S/ Edward F. Shea
EDWARD F. SHEA
7 UNITED STATES DISTRICT JUDGE

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ORDER DENYING REQUEST TO PROCEED *IN FORMA PAUPERIS*